

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ANGELO FERGUSON,

Plaintiff,

v.

H.D.S.P.,

Defendant.

Case No. 2:21-cv-01075-APG-EJY

**ORDER**

**I. DISCUSSION**

On June 7, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a Notice of Motion and Motion (ECF Nos. 1-1, 1-2). Plaintiff has not submitted a complaint or a fully complete application to proceed *in forma pauperis*.

Under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff until **August 9, 2021** to submit a complaint to this Court.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time extension** to file a complaint and a fully complete application to proceed *in forma pauperis* containing all three of the required documents. Plaintiff

1 shall file a complaint and a fully complete application to proceed *in forma pauperis* on or before  
 2 **August 9, 2021**. Absent unusual circumstances, the Court will not grant any further extensions of  
 3 time. If Plaintiff is unable to file a complaint and a fully complete application to proceed *in forma*  
 4 *pauperis* with all three required documents on or before **August 9, 2021**, this case will be subject to  
 5 dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff is able to  
 6 file a complaint and acquire all three of the documents needed to file a fully complete application to  
 7 proceed *in forma pauperis*.

8 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
 9 with the Court, under a new case number, when Plaintiff is able to file a complaint and has all three  
 10 documents needed to submit with an application to proceed *in forma pauperis*. Alternatively,  
 11 Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead pay the full  
 12 filing fee of \$402 on or before **August 9, 2021** to proceed with this case.

## 13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff shall submit a complaint  
 15 to this Court on or before **August 9, 2021**.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the approved  
 17 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk of the Court  
 18 shall also send Plaintiff a copy of his Notice of Motion and Motion. (ECF Nos. 1-1, 1-2).

19 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved  
 20 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
 21 information and instructions for filing an *in forma pauperis* application.

22 IT IS FURTHER ORDERED that on or before **August 9, 2021**, Plaintiff shall either pay the  
 23 full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52 administrative  
 24 fee) or file with the Court:

- 25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's  
 26 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
 27 3),  
 28

- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official  
2 (i.e. page 4 of this Court's approved form), and  
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**  
4 **six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint and a fully complete  
6 application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for  
7 a civil action on or before **August 9, 2021**, this case will be subject to dismissal without prejudice  
8 for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff is able to file  
9 a complaint and has all three documents needed to file a complete application to proceed *in forma*  
10 *pauperis* or pays the full \$402 filing fee.

11 DATED this 11th day of June, 2021.

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13 ELAYNA J. YOUCHAH  
14 UNITED STATES MAGISTRATE JUDGE  
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